

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GREGORY BOWLES

Plaintiff,

v.

CIVIL ACTION NO. 1:19CV154  
(Judge Keeley)

CVS PHARMACY,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 15]  
GRANTING MOTION TO DISMISS [DKT. NO. 4],  
AND DISMISSING THE CASE WITH PREJUDICE

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On July 10, 2019, the pro se plaintiff, Gregory Bowles ("Bowles"), commenced this civil action by filing a complaint in the Circuit Court of Marion County, West Virginia (Dkt. No. 1-1, at 4). The defendant, CVS Pharmacy ("CVS"), was served two days later, on July 12, 2019. Id. at 2. On August 12, 2019, CVS removed the case to this Court pursuant to a notice of removal (Dkt. No. 1). 28 U.S.C. §§ 1332, 1367, 1441, and 1446. The Court then provided Bowles with a Notice of General Guidelines for Appearing Pro Se in Federal Court (Dkt. Nos. 3), and referred the action to United States Magistrate Judge Michael J. Aloï for initial screening and a report and recommendation ("R&R") regarding any motions filed in accordance with LR PL P 2 and 28 U.S.C. § 1915(e) (Dkt. No. 2).

On August 19, 2019, CVS moved to dismiss for failure to state a claim (Dkt. No. 4). Magistrate Judge Aloï issued a Roseboro notice to Bowles on August 20, 2019, informing him of his right to file a response to CVS's motion to dismiss within twenty-one (21)

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days following receipt of the notice (Dkt. No. 8). See Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975).

On December 20, 2019, Magistrate Judge Aloï entered an amended R&R, recommending that the Court grant CVS's motion to dismiss and specifically warning Bowles that failing to object to the recommendation would result in the waiver of his right to appeal the ruling (Dkt. No. 15). To date, Bowles has neither responded to the motion to dismiss nor filed objections to the R&R.<sup>1</sup>

Following a careful review of the record, and finding no clear error, the Court **ADOPTS** the amended R&R in its entirety (Dkt. No. 15), **REJECTS AS MOOT** the original R&R (Dkt. No. 14), **GRANTS** CVS's motion to dismiss for the reasons stated in the R&R (Dkt. No. 4), and **DISMISSES** the case with prejudice.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit a copy of this order to the pro se plaintiff by certified mail, return receipt requested, to his last known address and to counsel of record by

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<sup>1</sup> The failure to object to the R&R waives the appellate rights and also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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electronic means. The Court further **DIRECTS** the Clerk to remove this case from the Court's active docket.

Dated: January 9, 2020

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE